
Appeal Decision

Site visit made on 8 December 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2022

Appeal Ref: APP/W5780/D/21/3281332

70 Malford Grove, South Woodford, London E18 2DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr K Patel against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1533/21, dated 9 April 2021, was refused by notice dated 18 June 2021.
 - The development proposed is erection of a single-storey building to form a self-contained granny annexe.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single-storey building to form a self-contained granny annexe, at 70 Malford Grove, South Woodford, London E18 2DY in accordance with the terms of the application, Ref 1533/21, dated 9 April 2021, and the plans numbered; A030 MG 001; A030 MG 002; A030 MG 003; A030 MG 004; A030 MG 005; and A030 MG 006, subject to the following condition:
 - 1) The detached annexe building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 70 Malford Grove, South Woodford, London E18 2DY.

Application for costs

2. An application for costs was made by Mr K Patel against the Council of the London Borough of Redbridge. This application is the subject of a separate Decision.

Preliminary Matters

3. The application has been submitted retrospectively, insofar as the building subject of this appeal already exists and is in use in connection with 70 Malford Grove. At the time of my visit the proposed bedroom was in use as an office space. It did not appear to be occupied as a self-contained annexe. I have dealt with the appeal on that basis.

Main Issues

4. The main issue is the effect of the proposed development on the character of the host property and the area and its effect on the living conditions of the occupiers of neighbouring properties with particular regard to noise disturbance.

Reasons

5. Policy LP7 of the Redbridge Local Plan 2018 (LP) seeks to resist the use of ancillary outbuildings as separate sleeping and living accommodation.
6. The appeal building is an existing single storey outbuilding situated at the end of the rear garden of the host property. The external appearance and internal room division is not proposed to be altered by the appeal proposal. At the time of my visit, the layout of the building was as shown on the submitted plans. However, the room annotated on the proposed plans as a bedroom was in use as an office, rather than a gym, as is shown on the existing plan layout. The area proposed as study area and lounge/living area contained living and dining furniture.
7. The building would include all the facilities for day-to-day living without the need for reliance on facilities within the main dwelling. Nonetheless, I accept from the information provided that there is intended to be a familial connection between the uses of the two buildings.
8. Its location within the rear garden means that the appeal building is not visible in the street scene. The roof of the building is lower in height than the rear boundary fence and although parts of the building are likely visible from neighbouring properties, it is not unusual to have accommodation of the type proposed situated within a detached outbuilding. The building's overall form is compatible with its surroundings.
9. Although the footprint of the appeal building is around 70% of the size of the host property's footprint, overall, the building is modestly proportioned compared to its host. It shares its outdoor amenity space with the host dwelling, and its main outlook is towards it. There is a side gate leading from the garden to the front of the host property, but there is no indication that this narrow entrance route would be used solely by the occupants of the annexe. It is also likely that access to the appeal building would, on occasion, be through the main house. No subdivision of the garden has been undertaken or is proposed. I find this arrangement to be consistent with the proposed use of the building as an annexe to the main house.
10. There is limited evidence that the occupants of the host property and the proposed annexe would not function as a single household. I have no substantive reason to doubt the appellant's description of the proposed development, a summary of which is given on the Councils decision notice.
11. I understand that there is an issue within the Borough of outbuildings in self-contained residential use. However, if the appeal were allowed the ancillary nature of the approved use could be secured by the imposition of a suitably worded condition which could be enforced. The appellant has indicated acceptance of such a condition.
12. In addition, I do not consider that the proposed use of the building would significantly increase pedestrian activity within the site from that which could reasonably occur under the existing arrangements. Further, an ancillary use would not generate the level of activity associated with independent living accommodation, given the reasonable likelihood of shared activities and trips with occupants of the main house. This together with the acceptability of the scale and appearance of the building, leads me to conclude that the use of the

building as an annexe rather than as a separate dwelling would not have an adverse impact on the character of the host property or area, including the living conditions of neighbouring occupiers.

13. Accordingly, I conclude that the proposal constitutes an acceptable form of development. Consequently, I do not find conflict with the broad approach of LP Policy LP7, which does not specifically address the matter of 'granny annexes', or LP Policy LP26 which seeks to ensure good quality design, including that which is sensitive to local context.

Other Matters

14. As the proposal does not seek the subdivision of the existing plot or garden to create new residential accommodation, I do not consider Point 2 of LP Policy LP7 to be relevant to the determination of this appeal.

Conditions

15. The Council has suggested standard conditions. However, as the building already exists a time limit condition is not necessary. Similarly, it is not necessary to impose conditions in respect of the external materials to be used in the construction of the building or for the development to be carried out in accordance with the approved plans.
16. Although the Council has not suggested a condition to limit the use of the building for purposes ancillary to the residential use of the main house, I have imposed a condition to this effect. This condition is necessary as I have judged the development to be acceptable on the basis of its ancillary use.
17. As such, notwithstanding the fact that the accommodation would be 'self-contained', any subsequent material change of the approved use of the building would require planning permission.

Conclusion

18. For the above reasons the appeal is allowed.

S Tudhope

Inspector